IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 1488 of 2004

Between:

M/s.Swarna Wines, Nalgonda Town,Nalgonda rep.by
Licensee,M.Lakshmanji,S/o.Ramachanderji, 45 years,
R/o.Bhongir, Nalgonda District.

..... PETITIONER

AND

1 Commissioner of Proh & Excise, Govt of A.P.,Nampally,Hyderabad.
2 Prohibition & Excise Superintendent, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction, more in the nature of Mandamus, declaring the orders passed by the Commissioner of Proh & Excise, the 1st respondent herein in his proceedings Cr.No.22188/2003/CPE/G.1, dt.2-1-2004 levying compounding fee of Rs.15,000/- as illegal, ultravires of provisions of Excise Act and set aside the same and consequently direct the respondents not to take any coercive steps against the petitioner for collection of compounding fees levied.

Counsel for the Petitioner: MR.P.BALAMUKUNDA RAO

For the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

-
-

O R D E R :

Pursuant to the directions issued by this Court on 29-06-2004, directing the Government Pleader for Prohibition and Excise to make available the representation made by the petitioner to get the case compounded in Cr.No.22188/ 2003/CPE/G-1, dated 02-01-2004, the learned Government Pleader produced the letter from the office of the Commissioner of Prohibition and Excise, A.P. Hyderabad, dated 27-03-2004 cancelling the compounding orders dated 02-01-2004. The operative portion reads as under:

> "As per the recommendations of the Prohibition and Excise Superintendent, Nalgonda, the case was compounded for Rs.15,000/- (Rupees fifteen thousand only) vide Cr.No.22188/03/CPE/G.1, dated 2-1-2004.
>
> On examination it is seen that the licensee has not requested for compounding the case. Hence, compounding orders issued in the reference 2nd cited are hereby cancelled."

In view of the same, the cause in the Writ Petition does not survive and no further orders are necessary.

Accordingly, the Writ Petition is dismissed. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Commissioner of Proh & Excise, Govt of A.P.,Nampally, Hyderabad.
2 The Superintedent, Prohibition & Excise, Nalgonda.
3. 2 CCs to G.P. for Prohibition and Excise, High Court of A.P. (OUT)
4. 2CD copies

prv/ccm